

## HCS HB 120 -- PASSWORD PRIVACY PROTECTION

SPONSOR: Davis

COMMITTEE ACTIONS: Voted "Do Pass with Amendments" by the Standing Committee on Emerging Issues by a vote of 7 to 2 with 1 present. Voted "Do Pass with HCS" by the Select Committee on General Laws by a vote of 8 to 0.

The bill adds protection for students in elementary and secondary public and private schools regarding their passwords and social media accounts. In its main provisions, the bill prohibits school personnel or volunteers from:

- (1) Requiring, requesting, or coercing a student or prospective student to disclose any information that would allow access to his or her personal social media account or view his or her account in the their presence;
- (2) Compelling a student or prospective student to add a school employee or volunteer to his or her personal social media account; and
- (3) Disciplining or refusing to admit a student due to his or her refusal to provide information or allow viewing of his or her personal social media account.

This bill allows an education institution to access or request information about a student or prospective student that is publicly available or for a specified investigation. The educational institution may prohibit students from using a personal social media account for school purposes or accessing a personal social media account during school hours or while on school property.

If an educational institution violates the provisions of this section it is an unlawful employment practice and the student or prospective student may bring a cause of action for general or specific damages.

This bill establishes the Password Privacy Protection Act. In its main provisions, the bill:

- (1) Prohibits an employer from requesting or requiring an employee or applicant to disclose any user name, password, or other means for accessing a personal on-line account or service;
- (2) Prohibits an employer or employment agency from requiring an employee or applicant to add the employer or employment agency to

the employee's or applicant's list of contacts associated with a personal email account, including Facebook accounts and similar services;

(3) Authorizes an employer to request or require an employee to disclose any user name, password, or other authentication means for accessing an electronic communications device paid for in whole or in part by the employer, or any account or service provided by the employer or used by the employee for business purposes or as a result of the employee's employment relationship with the employer;

(4) Prohibits an employer from discharging, disciplining, or penalizing or threatening to discharge, discipline, or penalize an employee for his or her refusal to disclose the information, or from failing or refusing to hire an applicant for the refusal;

(5) Prohibits an employee from transferring an employer's proprietary or confidential information or financial data to an employee's personal on-line account or service without the employer's position;

(6) Specifies that the act must not be construed to prevent an employer from engaging in certain investigatory activities, from disciplining or discharging an employee for transferring an employer's proprietary or confidential information or financial data to an employee's personal on-line account or service without authorization, from restricting or prohibiting employee access to certain websites using employer provided equipment or resources, or from monitoring, reviewing, accessing, or blocking data stored on an electronic communications device paid for in whole or in part by the employer;

(7) Specifies that an employer is not prohibited or restricted from viewing, accessing, or utilizing information about an employee or applicant that can be obtained without using a user name, password, or other means, or is available to the public;

(8) Specifies that the act must not be construed to prevent an employer from complying with state or federal laws or regulations or rules of self-regulatory organizations as that term is defined in federal regulation 15 U.S.C. Section 78c(a)(26); and

(9) Allows an employer to require an employee to provide an email for business purposes however, an employer cannot disclose the email address to any third parties.

PROPONENTS: Supporters say that the bill will prevent employers from using coercion to force employees to release non work related passwords.

Testifying for the bill was Representative Davis.

OPPONENTS: There was no opposition voiced to the committee.